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December 16, 2024

The Honorable Jennifer L. Hall
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: Orca Security Ltd. v. Wiz, Inc., C.A. No. 23-0758 (JLH)

Dear Judge Hall:

Plaintiff and Counterclaim Defendant Orca Security Ltd. (“Orca”) and Defendant and Counterclaim Plaintiff Wiz, Inc. (“Wiz”) (collectively, the “Parties”) jointly submit this letter in accordance with Paragraph 12 of the Scheduling Order (D.I. 33, amended by D.I. 90) entered in the above-captioned action, which requires the Parties to meet and confer regarding an amended Joint Claim Construction Chart.

On December 13, 2024 at 12:00 PM EST, the Parties engaged in a meet and confer via Zoom. The following individuals participated in the meet and confer:

On behalf of Orca Security Ltd.: Doug Lumish (Lead Counsel), Blake Davis (Lead Counsel), Lucas Lonergan, and Nicole Bruner of Latham & Watkins LLP, and Cameron Clark of Morris, Nichols, Arsht & Tunnel LLP.

On behalf of Wiz, Inc.: Jordan Jaffe (Lead Counsel) and Alex Miller of Wilson Sonsini Goodrich & Rosati, P.C., and Kelly Farnan and Fred Cottrell of Richards, Layton & Finger, P.A.

The meet and confer lasted approximately forty-five minutes. The Parties did not reach agreement as to any disputed term and no disputes were narrowed. The Parties also discussed procedure for the December 23, 2024 Claim Construction Hearing and agreed to the following proposal subject to the Court’s approval:

- 1) The Parties will address the eight (8) disputed terms of Orca’s Asserted Patents first, and then address the four (4) disputed terms of Wiz’s Asserted Patents.

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- 2) The Parties will address the terms in the order that they appear in the Parties' briefing, Dkt. 202 for Orca's Asserted Patents and Dkt. 200 for Wiz's Asserted Patents, with one exception. The term "analyz[e/ing] the (at least one) snapshot" appears last in Dkt. 202 for Orca's Asserted Patents, but the Parties have agreed that term should be argued as the third term. The Parties' agreement regarding the order that the terms will be addressed is set forth in the Parties' Amended Joint Claim Construction Chart, filed concurrently herewith.
- 3) The party that will present opening arguments for each term is set forth in the Parties' Amended Joint Claim Construction Chart, wherein the Parties alternate presenting opening arguments except that a party arguing that a term is indefinite will present the opening argument as to that term.

Counsel are available at the Court's convenience should Your Honor have any questions.

Respectfully,

/s/ Cameron P. Clark

Cameron P. Clark (#6647)

cc: Clerk of Court (via hand delivery)
All Counsel of Record (via electronic mail)